

GOVERNOR'S OFFICE

AUSTIN, TEXAS.  
APRIL 3, 1923.

HB 452

Hon. S. L. Staples,  
Secretary of State,  
Austin, Texas.

Dear Mr. Secretary:

If the Legislature should pass a bill providing that all penitentiary convicts should, on a certain day for some good reason stated, be either pardoned or paroled by the Governor, every person who ever read Article 4, Section 11 of our Constitution would say that such a bill could not be enacted for the reason that the Constitution of Texas vests in the Governor of the State, solely and exclusively, the power to grant, after conviction, commutation of punishment. Therefore, the Legislature is not permitted, under the Constitution, to say when the Governor shall, or shall not, grant executive clemency to those serving sentences in the penitentiary.

If the Legislature should pass a bill providing that when convicts have served half their sentences, having maintained a clear penitentiary record, that the Governor "shall" pardon, parole, or grant any other form of executive clemency, such a bill would be, for the reason above stated, unconstitutional. It clearly follows, therefore, by the same process of reasoning, that when the Legislature passed House Bill No. 452, saying that the Governor "shall" grant a parole to a designated class of convicts who had served a certain portion of

the court sentence assessed against them, the Legislature did what the Constitution prohibits. The power to grant commutation of punishment assessed against a convict has been lodged by the Constitution in the Governor's Office and any law that directs the occupant of the Governor's Office when he shall and shall not grant pardons, paroles, or any other commutation of punishment, is so clearly in direct violation of the Constitution that I cannot in good conscience, however meritorious this bill may be, approve it. On assuming the duties of my office I took a very solemn oath that no legislative bill prohibited by the Constitution, should at any time be approved by me. Therefore, this bill is vetoed and filed with you.

Respectfully,

A handwritten signature in dark ink, appearing to read "D. M. Craft", written in a cursive style.

Governor